

### REMARKS

This amendment and reply is in response to the Office Action dated November 14, 2008. Applicants have amended claims 1 and 12. Applicants have cancelled claim 11, without prejudice. Support for the amendments can be found, for example, at paragraphs 37 and 38 of U.S. Patent Application Publication No. US 2005/0033407 A1, the published application in the present case. No new matter is added. In amending the claims, Applicants do not concede that the claims as originally presented are unpatentable over the reference cited in the Office Action and reserve the right to pursue the previously presented claims in one or more continued applications. Claims 1-10 and 12-22 are presented for examination. In view of the foregoing amendments and following remarks, Applicants request entry of the claim amendments and reconsideration and withdrawal of the rejections.

#### § 102 Rejection of the Claims

Claims 1-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,712,844 (Pacetti et al.). Claim 1, as amended, recites that “the structural material being configured such that any closed path . . . extending about at least one of the periphery or an opening in the wall passes through at least two materials, wherein at least one of the materials comprises a substantially low magnetic susceptibility material.” In contrast, Pacetti et al. does not disclose that any closed path passes through at least two materials, one of the materials being a substantially low magnetic susceptibility material. Indeed, the Pacetti et al. patent makes no mention at all of low magnetic susceptibility materials used in stent construction.

Claims 2-10 and 12-22 depend on claim 1 and should be allowable for at least the same reasons as discussed above (claim 11 having been cancelled). Applicants respectfully request reconsideration and withdrawal of the rejections.

#### Conclusion

It is believed that all the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of

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that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

For at least the reasons discussed above, Applicants believe the claims are in condition for allowance, which action is requested. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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